North Dakota Department of Health





Lead-based Paint Update

Regulations

- 1) Lead-based Paint
- 2) Asbestos Regulations
- 3) "MOLD"?
 - Healthy Homes

Initiative - HUD



Lead - Where is it?

- <u>Pre-1978 homes</u>
- Toys, fishing equipment, blinds, crayons, water, pottery, lead crystal, solder
- Higher percentage in pre-1950 homes
- Homeopathic medicines
- Some foreign foods that are imported
- Some people come into country with elevated blood lead levels.

Lead-based paint hazards in a pre-1978 home

- Dust and paint chips
- Deteriorated painted / varnished surfaces
- Friction surfaces
- Impact Surfaces
- Chewable surfaces
- Soil
- Vary rarely in the water!



Lead-based paint regs

- New regulations published in 1999
- Section 1012 of the Residential Lead-Based Paint Hazard Reduction Act of 1992
- a.k.a Title X Subpart J
- 24 CFR Part 35 HUD
- 40 CFR 745 EPA
 - LBP RRP 2010
 - Abatement regulations 2001 (ND)

Applicability

- If you are doing rehab on a pre-1978 home or child-occupied facility and broken painted surfaces exist, or if the work you are doing will impact paint, you must address all potential lead hazards, including soil.
- Commercial or Industrial buildings being renovated into rental or condo spaces
- Houses being moved to be re-occupied

Painted Surfaces

- Any coated surfaces such as stained, shellacked, painted, or covered with wallpaper.
- Or if surface is covered with vinyl or steel siding you have to assume LBP unless you can prove no LBP can be found under it.
 - Surfaces being impacted!







Exemptions

- House built after 1-1-78
- Housing exclusively for elderly (unless children under 6 could be present for prolonged periods of time)
- Efficiency apts, dorms, military barracks
- Certified lead-free property
- Property where LBP was removed and clearance was achieved

Exemptions

- Unoccupied units that will <u>remain vacant</u> until it is demolished
 - This does not mean houses that are being moved from their foundations!
 - NDDH Memo on Demolition
- Non-residential property
 - No Exemption for child-occupied facilities
- Rehab where a painted surface will not be disturbed

Exemptions

- Rehab where only a "de minimis" amount of paint is disturbed
- Emergency repair actions needed to safeguard against imminent danger or further structural damage
- Emergency housing (e.g. homeless) assistance that lasts less than 100 days per year
- NOTE: All exemptions must be documented

De Minimis

- 2 square ft/room on the interior,
 - EPA has 6 square ft/room on interior
- 20 square ft on the exterior, and
- 10% of a small component (e.g. sills)
- Window replacement is <u>never</u> considered "De Minimis"

What You Need To Do

- Disclosure
 - "Renovate Right" for Rehab work
 - "Protecting Your Family From Lead" Rental
- Inspection Scope of Work
- Evaluation \$/ What regs to use
- Address the Hazard
- Clearance
- Notification for LBP Abatement
- Record Keeping

Disclosure Requirements

- Construction
 - Renovate Right
 - Sign form
 - 3 year record retention
- Multi Family
 - Renovate right
 - Included O&M, Remodeling & Maintenance
 - Post signs in common areas



Inspection

- Inspect the home to determine needed rehab
 - Housing Quality Standard Training
- Important to identify all repairs needed
 - Inside & outside the structure





Federal Assistance

- All Federal funds provided for the project. Regardless if used for acquisition, construction, soft cost or other purposes.
- Also includes funds from programs income but excludes low-income housing tax credit funds (LIHTC), Dept of Energy Weatherization Program Funds or nonfederal funding sources.
- Does not Exclude Federal Pass Through \$
 - Think FEMA, SHPO, USDA-RD

Evaluation \$ & Lead Regs Residential Homes

• \$\square\$ \$5,000 renovation cost

- Test for LBP(RA) or presume LBP.
- Use LBP-SWP on any paint that is disturbed
- LBP-RRP trained/Lic contractors
- Preformed clearance
 once work is
 completed. (de-minimis exemption)

• $\uparrow $5,00-\downarrow $25,000$

- Risk assessment
 - Multifamily include common areas
- Perform interim
 controls for all lead
 hazards ID in RA
 report and created by
 renovation work
- LBP-RRP trained/Lic contractors
- Clearance required

Evaluation \$ & Lead Regs

Demos & Renovations Residential Homes

Renovation

- $\uparrow $25,000$ renovation
 - Abatement
 - Notification
 - Certified Abatement Contractors
 - Clearance before non certify workers enter/start
- ↓ \$25,000 ??
 - Intent
 - Regular RRP work with clearance required

Demolition

- Before May 1, 2014
 - Will need clearance by
 Cert Risk Assessor
 - Will need to notify State of job before it begins.
 - Waste Issues
- After May 1, 2014
 - No further regulations for demos, unless required under contract

\$ & Lead Regs Multi Family

- Renovation
 - − ↑ \$25,000 renovation
 - Mandated to have a Risk
 Assessment conducted.
 - Presume LBP for RRP work
 - Abatement
 - Notification
 - Certified Abatement Contractors
 - Clearance before non certify workers enter/start
 - All O&M must use LBP-SWP

- \ \\$25,000
 - Risk Assessment Mandated
 - Interim Controls of all LBP
 Hazards inside the Bldg
 - Trained LBP-RRP contractors
 - Abatement (Intent)
 - Regular R&R work with clearance required

Requirements for Acquisition, Leasing or Supportive Services

- LBP Safe Rule Applies
- Lead Hazard Assessment visual assessment need for the initial & periodic inspection by a person who is trained to detect deteriorated LBP/- immediately after receipt of Federal Assistance
- Deteriorated paint must be stabilized by workers trained in LBP- SWP (Cert RRP)
- Clearance is required too

Interim Controls

- Acceptable way to reduce exposure to LBP hazards, although not permanent
- Paint stabilization
- Treatment of friction & impact surfaces
- Treatment of chewable surfaces
- Lead-contaminated dust control (24 CFR 35.1330)
- Lead-contaminated soil control

Abatement

- Permanent elimination of lead-based paint hazards
- Remove lead-based paint and its dust
- Permanently encapsulate or enclose the LBP
- Replace components that have LBP
- Use ND LBP Certified and Licensed Abatement Firms

Clearance/Notification

- ALWAYS Do this!
- Methods and standards per EPA at 40 CFR 745.227(e) – Dust Wipe sent to lab
- Must be done by ND certified clearance inspector/risk assessor
- NOT done by contractor who did the work
- Copy of report to owner and occupant
- 24 CFR 35.930

Lead-Safe Renovation, Repairs and Painting

Contractors Must Be Lead-Safe Certified



- -- How to become Lead-Safe Certified
- -- Accredited training providers near you
- -- Certified firms near you
- -- Find out about EPA-recognized test kits
- Find out if your state is operating the certification program instead of EPA
- -- Frequent Questions
 - Answers to your questions --Bookmark our new address!
 - Printer friendly version (PDF) (74 pp, 242K)
 - Submit questions

Highlights

Alabama has become the tenth state to administer its own Renovation, Repair and Painting (RRP) program, Learn more.



Future and/or Changes to Regs

- Commercial Regulations EPA
- Online refresher training for RRP
- Blood lead levels drop from 10ug/dl to 5ug/dl – CDC/ ND
- RRP allows use of Swabs and taking of paint chip samples —<u>HUD Does Not</u>
- Funding by EPA & HUD
- Physical Condition Standards HUD
- ND State LBP Rule Changes

EPA Asbestos Regulations

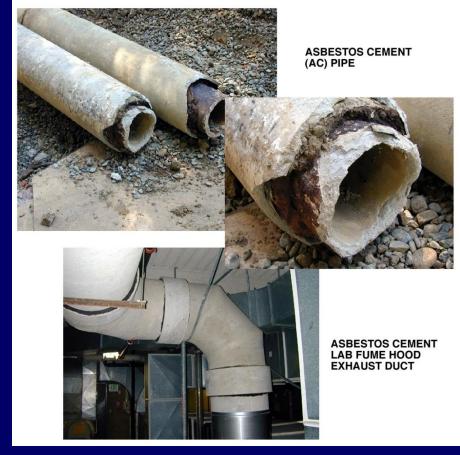
- National Emission Standard for Hazardous Air Pollutants (NESHAP)
 - Authority under the Clean Air Act (1973)
 - Adopted in full by State
 - Standards for handling and disposal of Asbestos
 Containing Material (ACM) during renovation and demolition activities
 - Notification of Work
 - Regulated commercial buildings & apartment with
 5 or more units.
 - Not Residential Housing except for large projects. (Think flood buyouts





ASBESTOS CEMENT COUNTER TOP (STAUFFER II)

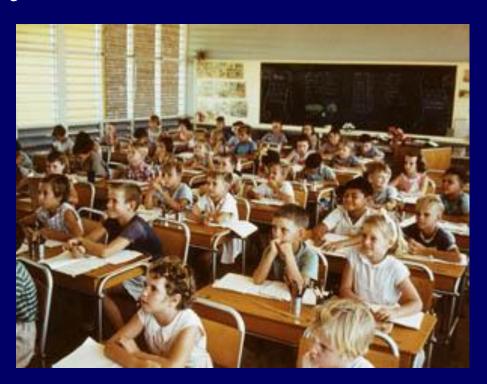




IAQ

HUD's Healthy Homes Initiative

- IAQ problem or comfort?
 - Heat/cold
 - Humidity
 - Ventilation
 - Product/smell/???
- Health issue
 - Asthma
 - Sickness (flu like, hives, allergies etc...)
- Training Programs
 - HUD
 - EPA
 - CDC



Issues Causing IAQ Problems

- Building Maintenance
- Over crowding of rooms/building
- Stuff!!!
- Animals
- Chemicals
- Fresh air intakes being closed off

Mold

- Mold
 - No Federal or State regulations
 - Guidelines & BMP's for removal & testing
- To Test or Not to Test?
 - Moisture test
 - Sniff test



Mold or Salt



Copyright 2004 C.L.I.

Mold



State Legislation Regulations

• California

- 2003 Mold Disclosure for real-estate and rentals
- 2011 Department of Health could not set a "standard" for safe levels of mold exposure. (2014)

• <u>Texas (2004)</u>

Mold Worker and Company Lic and Cert and Training

• Massachusetts(2006)

- Bill # 4766 (Sick Building Rule)
- Mandated DEQ and MOHSA to establish standards concerning IAQ/Mold
- Enforcement and investigation authority
- Mandates all public building to have a prevented and maintenance program in place – Healthy Homes

Questions?

Contact Information

Sandi Washek – ND Dept of Health swashek@nd.gov

701-328-5188

http://www.ndhealth.gov/AQ/